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Letter dated 13 November 2017 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council

I write in response to your letter dated 19 September 2017 and to which is annexed a letter dated 12 September 2017 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2017/791).

Egypt would like to reaffirm the following:

- We reject all the claims that the Permanent Representative of the Sudan made in his letter. They are all completely baseless, including the allegation that the Hala'ib triangle is Sudanese and is being occupied by Egypt. We furthermore reject the claims of the Sudan that international humanitarian law is applicable to and that there have been human rights violations in those areas, including, as the Permanent Representative claims, detentions and expulsions.

- I should like to reaffirm what I have stated in previous letters. All the areas north of the 22nd parallel of latitude referenced in the letter from the Permanent Representative of the Sudan are Egyptian lands that are part the national territory and the population of which are Egyptian nationals. The attempts of the Sudan to raise doubts regarding Egyptian sovereignty over those areas are merely groundless claims that are not consonant with a sound legal assessment of the temporary administrative arrangements that were granted to the Sudan pursuant to internal administrative decisions that were taken by the Egyptian Minister of the Interior during period of condominium.

- All of the foreigners who were detained (including Sudanese and Syrian citizens and persons of other nationalities) had entered that area by surreptitiously and illegally crossing the international border, and had illegally been mining gold and other minerals without authorization from the competent national authorities. This is a clear violation of the relevant Egyptian laws. Per official documents, the detainees were charged with failing to cross the international border via an official entry/exit point and engaging in illegal mining activities. They were not accused of any of the offences mistakenly cited in the letter of the Permanent Representative of the Sudan.

- There is no doubt that the accused Sudanese nationals were arrested in Egyptian territory, that is to say outside their country of nationality, the Sudan. Some of them applied for refugee status in Egypt and, in that connection, contacted the Office of the United Nations High Commissioner for Refugees (UNHCR) in Cairo. On the other hand, several other of the arrested individuals

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had documents issued by UNHCR showing that they either had applied for refugee status or had been designated refugees. It is certain that they are not inhabitants of that area and that they do not wish return to the Sudan for reasons related to their application for refugee status.

- It is also a documented fact that the rest of the accused Sudanese nationals are neither from or inhabitants of the Hala'ib area. They live in various areas of the Sudan, including Khartoum, Darfur, Fashir, Nayala and Atbarah. After legal and judicial procedures had been completed, we attempted to hand over the infiltrators to the Sudanese authorities, but the Sudanese Government refused to accept them.

- Under international law, States have the right to control their borders and prevent illegal infiltration. In fact, controlling borders and preventing infiltration is a duty of the State and part of its international undertaking to counter organized transborder crime, human trafficking, illegal migration, terrorism and smuggling. Moreover, all the measures that have been taken by the Egyptian authorities in these areas are in keeping with the fulfilment of its obligations and the exercise of its authorities.

- Egypt calls on the Sudanese authorities to take the measures required to control the two countries' international border (the 22nd parallel of latitude) and prevent Sudanese individuals from infiltrating Egyptian territory and engaging in illegal mining activities. Egypt reserves the right to take all the measures required to protect its interests and nationals in those border areas, in accordance with the Constitution and the law.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Amr Abdellatif **Aboulatta**
Ambassador
Permanent Representative